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22 ASSOCIATION, FOSTER, et al.

E-FILED

16 **UNITED STATES DISTRICT COURT**
17 **NORTHERN DISTRICT OF CALIFORNIA**

18 PARK VILLAGE APARTMENTS
19 TENANTS ASSOCIATION, WILLIAM
20 FOSTER, SHIRLEY SMITH, ANAHID
21 ISSAHAKIAN, PATRICIA JOHNSON,
22 MARTIN KOCH, LAWRENCE LEE,
FOSTER REUBEN, MARIA LILLIAN
SANCHEZ, ALISON WRIGHT and
CORNELIUS WEEKLEY,

23 Plaintiffs,

24 v.

25 MORTIMER HOWARD TRUST,
26 MORTIMER R. HOWARD,

27 Defendants.

28 Case No. C-09-4780 EDL

**STIPULATION TO MODIFY
TRIAL PREPARATION
SCHEDULE AND TRIAL;
[PROPOSED] ORDER**

Pursuant to Federal Rule of Civil Procedure 16(b)(4), Plaintiffs, PARK VILLAGE APARTMENT TENANTS ASSOCIATION, et al. (Plaintiffs) and Defendants, MORTIMER HOWARD TRUST and MORTIMER HOWARD (Defendants), in the above-entitled action, by and through respective counsel, hereby request that the Parties' Stipulation to Modify Trial Preparation Schedule and Trial and the Court Order dated June 11, 2012 (Document #96) be modified to accommodate the ongoing settlement discussions between the parties. The current Order establishes the following schedule:

Non-expert discovery cut-off:	August 14, 2012
Initial expert disclosure deadline:	September 28, 2012
Rebuttal expert disclosure:	October 12, 2012
Expert discovery cut-off:	October 31, 2012
Dispositive motion filing deadline:	August 28, 2012
Hearing of dispositive motions:	October 2, 2012
Pre-trial conference:	December 18, 2012 at 2:00 p.m.
Trial:	January 14, 2013 at 8:30 a.m.

A Settlement Conference is currently scheduled for August 7, 2012 at 10:30 a.m. with Magistrate Judge Beeler. Four continuances of the Settlement Conference have been granted by the Court in recognition of the parties continuing progress toward a negotiated settlement. In an effort to continue the discussions and build on the progress already made, the parties are also requesting in a separately filed request that the currently scheduled settlement conference be continued.

As part of the productive settlement negotiations to date, Defendants have propounded discovery on Plaintiffs with the goal of resolving some factual issues and with the hope of bringing final resolution to the case. In order to continue the substantial progress made to date, the parties propose the following modification of the trial preparation and trial schedule:

Non-expert discovery cut-off:	September 7, 2012
Initial expert disclosure deadline:	October 12, 2012
Rebuttal expert disclosure:	October 26, 2012
Expert discovery cut-off:	November 9, 2012

1 Dispositive motion filing deadline: October 9, 2012
2 Hearing of dispositive motions: November 13, 2012
3 Pre-trial conference: January 22, 2013, 2:00 p.m. ~~TBD by Court's schedule~~
4 Trial: February 11, 2013, 8:30 a.m. ~~TBD by Court's schedule~~

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6 RESPECTFULLY SUBMITTED,

7 BAY AREA LEGAL AID
8 Lisa S. Greif
Naomi Young
Robert Capistrano

9 NATIONAL HOUSING LAW PROJECT
10 James R. Grow
Kent Qian

11 Dated: August 1, 2012

12 /s/ Lisa S. Greif

13 Lisa S. Greif
14 Attorneys for Plaintiffs

15 SWIHART AND ASSOCIATES
Thomas M. Swihart

16 Dated: August 1, 2012

17 /s/ Thomas M. Swihart
Thomas M. Swihart
18 Attorney for Defendants

19
20 I hereby attest that I have on file all holograph signatures for any signatures indicated by a
21 "conformed" signature (/s/) within this efiled document.

22 Dated: August 1, 2012

23 By: /s/ Lisa S. Greif

24 LISA S. GREIF
25 Attorney for Plaintiffs

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ORDER

Good cause appearing therefore, IT IS SO ORDERED.

DATED: August 1, 2012

